

SEP 28 2004

TODD P. BLAKELY  
 GARY J. CONNELL  
 SABRINA C. STAVISH  
 JOSEPH E. KOVARIK  
 SUSAN PRYOR WILLSON  
 LEWIS D. HANSEN  
 ROBERT R. BRUNELLI  
 DOUGLAS W. SWARTZ  
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 BRENT P. JOHNSON  
 BENJAMIN B. LIES  
 BRADLEY M. KNEPPER  
 MIRIAM DRICKMAN TRUDELL  
 SCOTT R. BIALECKI  
 ROBERT D. TRAVER, Ph.D.  
 CHRISTOPHER J. HUSSIN  
 MARK L. YASKANIN  
 MARY BREEN SMITH  
 CRAIG W. MUELLER  
 PAUL S. CHA  
 THOMAS J. OSBORNE, JR.

**SHERIDAN ROSS**  
*A Professional Corporation*  
 ATTORNEYS AND COUNSELORS AT LAW

1560 BROADWAY  
 SUITE 1200  
 DENVER, COLORADO 80202-5141

TELEPHONE (303) 863-9700  
 FACSIMILE (303) 863-0223  
 E-MAIL: [srlaw@sheridanross.com](mailto:srlaw@sheridanross.com)

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KERMIT F. ROSS  
 1910-1986

OF COUNSEL  
 PHILIP H. SHERIDAN  
 DAVID F. ZINGER  
 CRAIG C. GROSETH

TECHNICAL SPECIALISTS  
 DENNIS J. DURRAY, Ph.D.  
 ANGELA DALLAS SEBOR, Ph.D.

September 28, 2004

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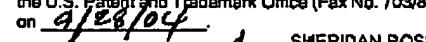
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: ) Group Art Unit: 2873  
JOHNSON et al. ) Examiner: Thomas, Brandi N.  
Serial No.: 10/634,103 ) Confirmation No. 5859  
Filed: August 1, 2003 )  
Atty. File No.: 1604-459 )  
For: "METHOD AND APPARATUS FOR )  
PROVIDING A GAS CORRELATION )  
FILTER FOR REMOTE SENSING OF )  
ATMOSPHERIC TRACE GASES" )  
RESPONSE TO  
RESTRICTION REQUIREMENT  
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SHERIDAN ROSS P.C.  
 KATHLEEN MCINNISH

Dear Sir:

This response to restriction requirement is submitted in reply to the Examiner's Action having a mailing date of September 3, 2004. While no fees are believed due in connection with the filing of this paper, please charge any fees deemed necessary to Deposit Account No. 19-1970.

In the Office Action dated September 3, 2004, a requirement that one of three identified claim groups be selected for examination. The requirement is respectfully traversed. In particular, each of the identified groups of claims is not related to the other identified groups of claims as a process for using a product that can be practiced with another materially different product, or a product that can be used in a materially different process.

In particular, Applicants note that the claims identified as part of Group II (Claims 33-42) include a step of "forming a correlation filter." In comparison, the claims identified as belonging to Group I (Claims 1-32) are either directed to a correlated filter device (Claims 1-23) or a system that includes a correlation filter (Claims 24-32). The claims identified as belonging to Group III (Claims 42-43 [sic 43-44]) include a "means for filtering." In view of these related elements, the finding of the Office Action that the product as claimed can be used in a materially different process is not accurate.

With respect to restriction between the two identified groups of system claims, Applicants note that the restriction requirement does not set forth any reasoning in support of such a requirement. In particular, the only reasons given in support of the restriction requirement relate to restriction between a product and process, or to a different classification. However, as noted in the restriction requirement, the claims of Groups I and III are all related to systems, and are all classified in the same class and subclass.

For at least the reasons set forth herein, restriction between the identified groups of claims would be improper. Accordingly, reconsideration and withdrawal of the restriction requirement is respectfully requested. Applicants provisionally elect to prosecute Claims 1-32 (Group I) should the restriction requirement be made final.

Applicants' attorney confirms that the Examiner telephoned to request an oral election on September 1, 2004. During that telephone conference, Applicants' attorney requested that the restriction requirement be presented in writing.

In view of the foregoing, reconsideration and withdrawal of the Examiner's restriction requirement are respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would expedite the resolution of this case.

Respectfully submitted,

SHERIDAN ROSS P.C.

By:

  
\_\_\_\_\_  
Bradley M. Knepper  
Registration No. 44,189  
1560 Broadway, Suite 1200  
Denver, CO 80202-5141  
(303) 863-9700

Date: September 28, 2004